FILED

08 MAR 17 AM 9:44

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Raymundo Israel REYES-Chacon** Defendant.	Magistrate Case No. '08 MJ 0826 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii) Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 15, 2008**, within the Southern District of California, defendant **Raymundo Israel REYES-Chacon,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Juan MEJORADO-Pena,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESCENCE, THIS 17th DAY OF **MARCH, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jorge E. Rosario, declare under penalty of perjury the following to be true and correct:

The complainant states that **Juan MEJORADO-Pena** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 15, 2008 at approximately 5:50 AM, **Raymundo Israel REYES-Chacon (Defendant)** applied for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1999 Ford Taurus. Defendant presented a Permanent Resident Alien Card bearing the name and photo of another as his entry document to a U.S. Customs and Border Protection (CBP) Officer. Defendant stated he was going to San Diego, California, and was not bringing anything from Mexico. The CBP Officer conducted an inspection of the interior of the vehicle and discovered what appeared to be a modified gas tank compartment underneath the rear seat containing a human being inside. Defendant and vehicle were escorted to vehicle secondary for a more thorough inspection.

During secondary inspection, CBP Officers removed the rear seat and extricated the human being concealed inside the non-factory compartment. The individual was determined to be a citizen of Mexico with no entitlements to enter the United States. The individual was retained as a Material Witness and is now identified as **Juan MEJORADO-Pena.**

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant declared he is a citizen of Mexico with no legal rights or documents to enter the United States. Defendant denied knowledge of the concealed alien. Defendant denied monetary compensation for smuggling a person into the United States.

During a separate recorded interview, Material Witness declared he is a citizen of Mexico with no legal rights or documents to enter the United States. Material Witness said he was going to pay $3,000.00 to be smuggled into the United States. Material Witness said he was going to Riverside, California to seek employment and reunite with family.

Executed on **March 15, 2008 at 12:00 pm.**

Jorge E. Rosario / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of **(one)** page, I find probable cause to believe that the defendant named therein committed the offense on **March 15, 2008** in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

6